

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Bid Protest

LOYAL SOURCE GOVERNMENT SERVICES,
LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

No. 24-1001
(Judge Edward H. Meyers)

MOTION TO EXTEND TIME TO FILE ADMINISTRATIVE RECORD
AND ADJUST THE SCHEDULE

Pursuant to Rule 6(b) and 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests that the Court extend the deadline to file the administrative record by 35 days from July 31, 2024 to September 4, 2024, and adjust the remaining briefing schedule in accordance with the below. Plaintiff's counsel has stated that plaintiff does not object to the actions the agency is proposing to take or to the additional time it needs to carry them out, but in plaintiff's view it amounts to partial corrective action and should be characterized as such. We disagree with plaintiff's characterization, though submit that this disagreement is not one the Court needs to resolve given the parties' agreement on the practical consequences to the schedule.

Plaintiff filed this protest challenging the sufficiency of the mitigation efforts undertaken by Customs and Border Protection (CBP) and the Department of Homeland Security (DHS) in response to a Procurement Integrity Act violation. As part of those mitigation efforts, CBP transferred the procurement at issue to DHS and DHS had previously identified a Technical Evaluation Team. At that time, the contracting officer expressly observed that because the procurement and the investigation remained active and ongoing, further revisions to the

evaluation plan and/or the mitigation efforts could be necessary.

In the course of its efforts to compile the administrative record in this case, DHS has determined to revisit the composition of the Technical Evaluation Team, including to conduct additional vetting of the members. Until this process is complete, the administrative record regarding the mitigation efforts at issue in this action cannot be finalized. Accordingly, we require additional time to prepare and file the administrative record in this case. DHS anticipates that the additional 35 days requested would provide sufficient time to complete its further vetting and consideration of the composition of the Technical Evaluation Team and to prepare and finalize the administrative record.

We understand that this adjustment to the filing of the administrative record necessitates adjustments to the rest of the schedule, including the voluntary stay. Accordingly, if the motion is granted, DHS is willing to extend its voluntary stay and commit that it will not make an award before November 26, 2024 (or the resolution of this protest, whichever is earlier).

The parties have conferred and agreed upon the following revised schedule, subject to the Court's availability:

- September 4, 2024: the Government files the administrative record;
- September 23, 2024: plaintiff files its motion for judgment on the administrative record;
- October 11, 2024: the Government files its motion for judgment on the administrative record and any response to plaintiff's MJAR;
- October 21, 2024: plaintiff files its reply in support of its MJAR and any response to the Government's MJAR;
- October 31, 2024: the Government files any reply to Plaintiff's MJAR;
- Oral argument at the Court's convenience in early November.

Respectfully submitted,

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PATRICIA M. McCARTHY
Director

s/ Douglas K. Mickle

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s/ Galina I. Fomenkova

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